Massachusetts Department of Environmental Protection Proposed Amendments to the Solid Waste Regulations 310 CMR 19.000

January 2013

Goals:

- Streamline permitting process for certain solid waste facilities and activities
- Expand use of 3rd party inspectors to allow MassDEP to use limited staff resources more effectively
- Maintain environmental protection and high levels of compliance

Overview:

- Four major areas of changes are proposed:
 - Transfer Station permit streamlining for transfer stations that do not handle C&D waste
 - Post-Closure Use permit streamlining
 - Special Wastes permit streamlining
 - Third-Party Inspections Expansion of third party inspection requirements

Transfer Station Permit Streamlining

- New transfer stations or significant tonnage increases:
 - Use similar process as now:
 - File permit application
 - MassDEP reviews application and issues a permit and an Authorization to Construct (ATC) at same time
 - What is new?
 - Once facility is constructed, file a Certification prior to operation (in place of an Authorization to Operate)

Transfer Station Certification

- Existing Transfer Stations
 - File a certification under transition rules
 - Certification must address:
 - Compliance with the existing permit
 - Information relative to any modifications that may have been made since the last certification
 - Identify all valid/applicable permits (Facility permit, ATC, ATO, modifications, etc.)

Transfer Station Certification

- Modifications to Transfer Stations That are Not Expansions
 - New certification required
 - No application or up-front MassDEP approval required

Post-Closure Uses:

- Post-closure use on a landfill cap (final cover) requires a post-closure use permit
- Post-closure use not located on the landfill's cap or post-closure use at any other type of solid waste facility requires a Presumptive Approval submission
 - Application is presumptively approved 45 days after submittal

Special Wastes

- Presumptive Approval for management of listed special wastes
 - Asbestos waste, medical and biological waste (infectious waste) and sludges
- Other special wastes require no approval from MassDEP provided:
 - Acceptance complies with facility's site assignment, permit, and other relevant local, state or federal approvals
 - Does not result in adverse impacts to the public health, safety or the environment and does not create a nuisance

Special Waste

- Facilities with existing Special Waste Approvals may either:
 - Continue to follow the handling/management requirements of that existing special waste approval(s); or
 - Request (through the presumptive approval process) to be subject to the revised regulatory requirements

3rd Party Inspections - Goals:

- Increase oversight of solid waste facilities or activities
- Support compliance
- Decrease likelihood or duration of deviations and potential adverse impacts on the environment

Elements of 3rd Party Program

- Set minimum standards
 - Qualifications for 3rd party inspectors
 - scope of inspections
 - reporting requirements

3rd Party Inspections Apply To:

- Operations and Maintenance activities at all solid waste management facilities
- Waste Bans
- Reporting Requirements and Procedures

3rd Party Inspector Qualifications & Procedures

- MassDEP will create and maintain list of registered 3rd party inspectors
- To register an individual must submit a certified Qualifications Statement
 - meet minimum academic and professional requirements

Comments:

Written comments may be submitted to:

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